

Remarks

In response to the Office Action dated March 23, 2007 and Advisory Action dated September 10, 2007, Applicants provide the following remarks to address all issues raised by the Examiner.

Status of the Claims

By this amendment, claim 11, 14 and 24 have been amended, claim 26 has been added and no claims have been cancelled; therefore, claims 11-26 are currently pending in the present application. It is respectfully submitted that no new matter has been introduced by this amendment, as support therefor is found throughout the specification and drawings. In view of the above amendment and the following remarks, it is respectfully submitted that claims 11-26 are allowable.

Claim Objections

Claims 11-23 were objected to for the minor informalities with respect to how the claims were presented in the listing of claims. Applicant has corrected the presentation of the respective claims in the listing of claims according to the Examiner's instructions. Accordingly, withdrawal of this objection is respectfully requested.

Product-By-Process-Recitation

In the Advisory Action dated September 10, 2007, the Examiner cited claim 11 as including a product-by-by process recitation. In response thereto, Applicants have amended claim 11 to replace the product-by process limitation with a corresponding structural limitation.

Claim Rejections under 35 U.S.C. 103(a)

Claims 11-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McLain (U.S. 3,422,008). The Examiner's grounds for rejection are hereinafter traversed, and reconsideration is respectfully requested.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (emphasis added). Furthermore, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983, cert. denied, 469 U.S. 851 (1984) (emphasis added). Still further, “[t]he teaching or suggestion...must ...be found in the prior art, not in applicant’s disclosure.” In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added). It is respectfully submitted that the Examiner has failed to establish a prima facie obviousness rejection as McLain fails to teach, show or otherwise suggest all of limitations of the claimed invention and, in fact, teaches away from the claimed invention.

With respect to claim 11, McLain does not teach or otherwise suggest a hollow fiber fluid separation module wherein each hollow fiber is disposed at least once around the circumference of the cylinder, and having a tensile strain of at least 10g to frictionally maintain the fibers around the cylinder and sufficiently hold the fibers against the crosswise disposed fibers lying underneath without noticeably restricting the respective inner cross sections of the fibers even though the fibers are deformed at the respective intersections. To the contrary, McLain teaches a wound fiber apparatus that is arranged to “prevent[] the creation of any tension in the fiber” (see col. 6, lines 25-26, emphasis added). Additionally, McLain does not teach, show or otherwise suggest that the fibers are frictionally held as recited in claim 11. To the contrary, McLain teaches that there is a bond between the fibers and the tubesheet resin (see, for example, col. 5, lines 1 and 2 “...without disturbing the bond between fiber and tubesheet resin” (emphasis added). Applicant respectfully submits that the Examiner has provided no evidence to support the assertion that McLain teaches, shows or otherwise suggests that the fibers are “frictionally held” nor has the Examiner provided some suggestion of the desirability to do the same based on the teachings of McLain. Furthermore, McLain does not teach or suggest that the fibers are “deformed at the respective intersections” as recited in claim 11. To the contrary, McLain teaches that the fibers inherently do not have their inner cross section noticeably restricted, which is duly confirmed by the Examiner’s own statement on pages 2-3 of the office action (see

page 2, last line - page 3, line 2: "each fiber...being laid down...not to have their inner cross section noticeably restricted."); hence, the fibers in McLain are not deformed at the intersections as claimed by the Applicants. Accordingly, claim 11 patentably distinguishes over McLain. Withdrawal of this rejection is respectfully requested.

Claims 12-26 depend either directly or indirectly from claim 11. Thus, for at least the same reasoning provided in support of the patentability of claim 11, claims 12-26 patentably distinguish over McLain. Withdrawal of this rejection is respectfully requested.

Conclusion

It is respectfully submitted that claims 11-26 are allowable for at least the above-mentioned reasons. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

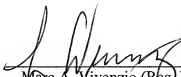
If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event of a fee deficiency or if a petition for an extension of time is required, please consider this a petition for an extension of time therefor, and authorization for the Commissioner to charge any additional fees, including extension fees, to Deposit Account No. 50-3569.

Respectfully submitted,

Date: March 24, 2008

By:


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